

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES OF FULL BOARD  
DEPARTMENT OF HEALTH PROFESSIONS  
RICHMOND, VA  
JULY 20, 2010**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 11:04 a.m. at the Department of Health Professions (DHP), Perimeter Center, Richmond, VA.
- PRESIDING OFFICER:** James DeBell, DVM, President
- MEMBERS PRESENT:** John Wise, DVM  
Joseph May, DVM  
Taryn Singleton, LVT  
Kelly Gottschalk, DVM  
Dorothy Blackwell
- STAFF PRESENT:** Leslie Knachel, Executive Director  
Terri Behr, Operations Manager  
Elaine Yeatts, Senior Policy Analyst  
Dianne Reynolds-Cane, M.D., Agency Director
- OTHERS PRESENT:** Susan Seward, Virginia Veterinary Medical Assoc. (VVMA)  
Robin Schmitz, VVMA  
Diane Carey, Esq.
- ORDERING OF AGENDA:** Board president, Dr. DeBell, stated that the public comment portion of the meeting would be held when counsel was present. He also stated that there was one item for discussion in the New Business portion, which was a request for a presentation at the VVMA conference in February 2011 on recordkeeping made by the VVMA.
- DIRECTOR'S REPORT:** Dr. Cane addressed the Board as the new director of the Department of Health Professions (DHP). Dr. Cane stated she was appointed by Governor McDonnell in April of 2010, and began working at DHP on May 2, 2010. She provided the Board with information on her background and the projects she has been working on since taking over as agency director.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the full board meeting of March 2, 2010, as

presented.

**LEGISLATIVE PROPOSAL -  
REPEAL §54.1-3809**

Ms. Yeatts addressed the Board regarding the need to repeal §54.1-3809 of the Code of Virginia regarding the practice of veterinary medicine. She stated that the implication of this section could be that a veterinarian or veterinary technician who did not receive their continuing education, or made other relatively minor infractions, could be guilty of a Class 1 misdemeanor. She stated that this section became an issue when HB1145 was discussed at the General Assembly. Staff believes §54.1-3809 is not necessary for discipline of licensees and that unlicensed practice is covered under §54.1-111.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to recommend to the General Assembly to repeal §54.1-3809.

**PUBLIC COMMENT:**

Howard Casway, Sr. Assistant Attorney General, was present during public comment.

Public comment was presented by Ms. Diane Carey regarding her concerns that a recent decision in an investigation fails to protect the taxpayers and citizens of Virginia. She believes there is disparity in the way cases are handled that is unfair to the public and that the Board needs to publish enough information so that the public may understand the facts of a case.

**REGULATORY ACTIONS:**

**Exempt action – Conformity in the veterinary regulations with HB1145 of the 2010 General Assembly**

Ms. Yeatts explained to the Board that an exempt action can occur to make regulations conform to the language used in the statute. She stated that 18VAC150-20-140(14) of the regulations regarding unprofessional conduct states “Failing to report evidence of animal abuse to the appropriate authorities.” Ms. Yeatts stated that there is no definition of animal abuse. The statute refers to animal cruelty.

On properly seconded motion by Dr. May, the Board voted unanimously to proceed with the exempt action for conformity between the

language in the regulations and statute.

The Board discussed doing a Guidance Document and a newsletter article referring veterinarians to the Code cites in the Comprehensive Animal Laws that are used to define animal cruelty. Dr. May suggested adding to the agenda of the next Board meeting a discussion about additional amendments to the unprofessional conduct section of the regulations.

**Fast-track action; protocol for drug destruction**

Ms. Yeatts stated that the Drug Enforcement Administration no longer provides a drug destruction packet for destruction of controlled substances as stated in 18VAC150-20-190(E) of the regulations. She stated that this section needs to be updated with the correct information and needs to conform to the requirements for how pharmacists dispose of controlled drugs.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to proceed with the fast-track action to correct the language in the regulations.

**Petition for rulemaking**

The Board considered a Petition for Rulemaking from Elaine Sottile making it unlawful for large animal veterinarians to charge a fee for writing a prescription. The Board considered the petition and all of the comment received.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to deny the Petition for Rulemaking made by Elaine Sottile because charging a fee for writing a prescription is a business decision and does not involve patient care. The Board does not regulate fees charged by a veterinarian or business matters.

**SANCTION REFERENCE**

Neal Kauder, VisualResearch, Inc., updated the Board on their use of the Sanction Reference Points (SRP) and how they compared with the other boards at DHP. He stated that the Board of Veterinary Medicine was in agreement with the SRP in 86% of the cases.

Mr. Kauder stated that he will provide the Board with additional training at their request. Ms. Knachel recommended that additional training be provided at the Board's next meeting in October.

## **BOARD DISCUSSIONS:**

### **Handling disparity between Board members in case responses**

Ms. Knachel stated that she wanted to revisit the way the Board staff typically handles cases when there is a disparity between the Board members reviewing a case at the probable cause stage.

Ms. Knachel made the following recommendations:

- One member recommends an Informal Conference (IFC) and one member recommends closure of the case, the case would proceed to an IFC.
- One member recommends an IFC and the other recommends a Pre-Hearing Consent Order (PHCO), Ms. Knachel will individually contact both reviewers and see if they can agree on either the IFC or PHCO.
- One member recommends a PHCO and the other recommends closure of the case, a PHCO will be drafted and sent to the respondent.
- One member recommends a Confidential Consent Agreement (CCA) and one member recommends closure of the case, the CCA will be sent.
- One member recommends an Advisory Letter and one member recommends closure of the case, an Advisory Letter will be sent if appropriate.
- If both members recommend a PHCO, but with different monetary penalties, the PHCO will be drafted with the higher of the monetary penalties.

On properly seconded motion by Dr. May, the Board voted unanimously to adopt the recommendations as suggested above.

### **Ongoing home treatments by Licensed Veterinary Technicians (LVT's)**

The Board discussed a letter submitted by Taryn Singleton, LVT, regarding LVT's performing home treatments prescribed by a veterinarian within the practice in which the technician is employed. Ms.

Singleton was asking in particular about the use of Class IV laser therapy. She cited the definition of immediate and direct supervision in the regulations and that it states in part “provides a specific order based on observation and diagnosis of the patient within the last 36 hours.”

The Board discussed Ms. Singleton’s letter. The Board’s position is that the home therapies by LVT’s, provided on the order or prescription of a veterinarian meet the requirements of the 36 hours because the veterinarian has made the diagnosis and ordered or prescribed that the patient needs an ongoing treatment.

Dr. May asked Ms. Knachel to review the regulations with Ms. Yeatts and present any recommendations for changes in this area at the next meeting.

**EXECUTIVE DIRECTOR’S  
REPORT:**

**Statistics and Budget**

Ms. Knachel reported that the Board currently has 5,998 licensees.

Ms. Knachel stated that as of May 31, 2010, the Board’s budget shortfall was \$203,414. In response to a question regarding the transfer of funds to the General Fund, Ms. Knachel stated the transfer occurred in the last fiscal year. She also stated that DHP uses no taxpayer dollars for its operation or the salaries of its employees. These funds are generated from its licensure fees and that due to the budget shortfall a fee increase is necessary.

**NEW BUSINESS:**

Arne Owens, Chief Deputy Director of DHP, was introduced by Ms. Knachel. Mr. Owens gave the Board a brief summary of his background.

Dr. May stated that he received an email from Claudia True, DVM, President Elect of the VVMA, inquiring if he would be interested in speaking at the 2011 Virginia Veterinary Conference in Roanoke in February 2011. Dr. True wants Dr. May to do a 50 minute presentation on record-keeping.

The Board discussed Dr. True’s proposal. Ms. Knachel will assist the Board members with

preparation of materials appropriate for a variety of presentations. A discussion regarding the logistics of making presentations will take place at the next meeting.

**ADJOURN:**

There being no further business, and on properly seconded motion by Dr. May, the Board adjourned at 1:20 p.m.

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James DeBell, DVM, President

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Leslie L. Knachel, MPH, Executive Director